

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARY O. WILLIAMS, GEORGE BUSH, and GCW, LLC	§ § § § § § §	PLAINTIFFS
v.		CAUSE NO. 1:07CV906 LG-JMR
CITY OF GULFPORT, MISSISSIPPI and JOHN DOES 1-5, in their individual capacities		DEFENDANTS

**ORDER GRANTING MOTION TO CORRECT ORDER
AND RECONSIDER, SETTING ASIDE ORDER GRANTING
MOTION FOR SUMMARY JUDGMENT AND JUDGMENT**

BEFORE THE COURT is the Plaintiffs' Motion to Correct Order and to Reconsider [100]. Plaintiffs seek reconsideration of the Court's Order [99] denying reconsideration of its Order granting summary judgment in favor of the Defendants. In their motion to reconsider, Plaintiffs sought to have the Court consider certain evidence that they did not provide prior to the ruling. The Court denied their request, primarily because they had been required by a Text Only Order to submit a brief detailing the issues remaining and "what written discovery must be exchanged and specifically whose depositions must be taken" in order for the Court to resolve the remaining issues. Although the City filed a response, Plaintiffs did not. Plaintiffs state that they assumed that "submit" did not mean "file of record," and therefore simply emailed their response to the Magistrate Judge. There being no record of the transmittal available to this Court, the Court was completely uninformed about Plaintiffs' position prior to taking up the summary judgment motion.

The Court wishes to resolve this case on the merits, and intended to do so by

giving the parties the opportunity to identify the remaining issues and discovery needed. Because of the unusually disorderly procedural history of this case, Plaintiffs' failure to properly respond will be excused. The Court finds that the Memorandum Opinion and Order Granting the Motion to Dismiss [91] and the accompanying Judgment [92] should be set aside so that the issues may be reconsidered with the benefit of Plaintiffs' additional evidence. If the Defendants wish to respond to the issues raised by Plaintiffs' reconsideration motions, they will be granted a period of time within which to do so.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiffs' Motion to Correct Order and to Reconsider [100] is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that the Memorandum Opinion and Order [91] and Judgment [92] entered September 17, 2010, are hereby **VACATED AND SET ASIDE**.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendants are granted until **December 10, 2010** to file a brief responding to the issues raised in Plaintiffs' reconsideration motions.

SO ORDERED AND ADJUDGED this the 22nd day of November, 2010.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE